

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RHIANNON SUNDBERG,

Plaintiff,

v.

No. 3:17-cv-01360-JR

OPINION AND ORDER

**JOINT APPRENTICESHIP TRAINING
COMMITTEE OF THE NORTHWEST
LINE CONSTRUCTION INDUSTRY
et al.,**

Defendants.

MOSMAN, J.,

On December 4, 2018, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F&R) [94], recommending that Defendant MYR Group, Inc.’s (“MYR”) and Defendant Quanta Services Inc.’s (“Quanta”) Motions to Dismiss [16, 50] should be GRANTED. Plaintiff filed Objections to the F&R [96] and Defendants MYR and Quanta filed Responses to the Objections [97, 99].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Plaintiff Rhiannon Sundberg brings claims for gender discrimination and whistleblower retaliation. After an eight-month period of jurisdictional discovery, Defendants MYR and Quanta moved to dismiss for lack of both general and specific jurisdiction.

The F&R recommends granting the motions. Given the complete period of jurisdictional discovery and the absence of any compelling evidence under any jurisdictional theory, the F&R recommends dismissal with prejudice.


Plaintiff objects. In doing so, however, she merely repeats the arguments and facts she raised below. I have reviewed the F&R's analysis of the arguments raised by Plaintiff and I find it thoughtful and correct.

CONCLUSION

Upon review, I agree with Judge Russo's recommendation and I ADOPT the F&R [94] as my own opinion. Defendants' MYR and Quanta's Motions to Dismiss [16, 50] are GRANTED and the claims against MYR and Quanta are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 23 day of January, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge